

Applicant: Henry Chavez

Agent: Henry Chavez

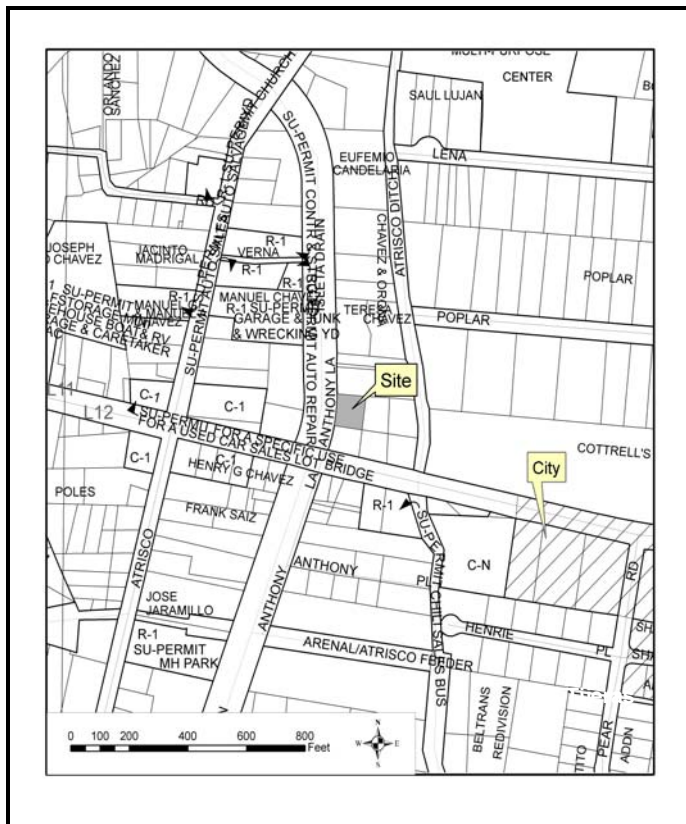
Location: 2119 Bridge Boulevard SW

Property Size: Approximately .49 acres

Existing Zone: R-1

Proposed Request: Special Use Permit for a Specific Use for R-2 Uses (Two Patio Homes/Townhouses)

Recommendation: Deferral



Summary: The applicant is requesting a Special Use Permit for a Specific Use for Multiple Single Family Dwellings (two patio homes/townhouses) on a site located at 2119 Bridge Boulevard SW, on the north side of Bridge and east of Anthony Lane. The applicant has requested a 30-day deferral in order to revise the submitted application.

Staff Planner: Enrico Gradi, Program Planner

Attachment: 1. Letter Requesting Deferral

AGENDA ITEM NO.:
County Planning Commission
June 7, 2006

CSU-60023 Henry Chavez requests approval of a Special Use Permit for a Specific Use for Multiple Single Family Dwellings (patio homes) on Tract 143B1A, MRGCD Map 42, located at 2119 Bridge Boulevard SW, on the north side of Bridge and east of Anthony Lane, zoned R-1, containing approximately .49 acres. (L-12)

AREA CHARACTERISTICS AND ZONING HISTORY
Surrounding Zoning & Land Uses

	Zoning	Land Use
Site	R-1	Vacant
North	R-1	Single Family Dwelling
South	R-1	Single Family Dwelling
East	R-1 with a Non Conforming Use for Apartments	Multiple Family Dwellings
West	R-1	Anthony Lane/Isleta Drain/Single Family Dwellings

BACKGROUND:

The Request

The applicant is requesting a

Request Justification

Surrounding Land Use and Zoning

The subject site is vacant and is located adjacent to Anthony Lane. The property located south of the subject site is zoned R-1 and contains a single-family dwelling and several outbuildings. The parcel located north of the subject site is zoned R-1 and is vacant. The parcel located east of the subject site is also zoned R-1 and contains multi-family housing is legally non-conforming as to use. The property was developed prior to the establishment of Bernalillo County Zoning and contains five dwelling units located within an existing building. The building containing the multifamily dwellings may remain nonconforming until May 17, 2033 (ZNCU 50018). There are two parcels located west of the site, one is vacant and the other contains a single-family dwelling, both parcels are zoned R-1.

APPLICABLE PLANS AND POLICIES:

Albuquerque/Bernalillo County Comprehensive Plan

The site is located in the Developing Urban Area as delineated in the Albuquerque/Bernalillo Comprehensive Plan. The principal Goal for the area of the Comprehensive Plan is to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas and lifestyles, while creating a visually pleasing built environment.

Policy a states that "The Established and Developing Urban Areas shall allow a full range of urban land uses, resulting in an overall gross density of up to five dwelling units per acre."

Policy d states that "The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources and resources of other social, cultural, or recreational concern."

Policy g states "Development shall be carefully designed to conform to topographical features and include trail corridors in the development where appropriate."

Policy i states that "Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments."

Policy j states "Where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:

- In small neighborhood-oriented centers provided with pedestrian and bicycle access within reasonable distance of residential areas for walking or bicycling.
- In larger area wide shopping centers located at intersections of arterial streets and provided with access via mass transit; more that one shopping center should be allowed at an intersection only when transportation problems do not result.
- In free standing retailing and contiguous storefronts along streets in older neighborhoods.

Policy k states that “Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation operations.”

Policy l states that “Quality and innovation in design shall be encouraged in all new development design shall be encouraged which is appropriate for the plan area.”

Policy m states that “Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.”

Air Quality

The Goal is to improve air quality to safe guard public health and enhance the quality of life.

Policy g states “Pollution from particles shall be minimized.”

- “Use vegetation, landscaping and other erosion control techniques to minimize dust pollution especially from construction sites.”
- Modify the Development process manual to expand requirements for top soil disturbance permits and dust control plans for excavations greater that $\frac{3}{4}$ acre; monitor and strictly enforce the existing regulations regarding airborne particulates.”

Southwest Area Plan (SWAP)

The site is located in Residential Area Five of the Southwest Area Plan.

Policy 26 (g) allows a maximum residential density of nine dwelling units per net acre when city sewer services are available.

Policy 30 states, “Standards for outdoor lighting shall be implemented to ensure that their use does not interfere with the night sky environment and unnecessarily adjacent properties.”

- a. Outdoor light poles within residential areas should not exceed sixteen (16) feet in height above existing grade; when mounted on buildings or structures, fixtures should not exceed twelve (12) feet from existing grade.

- b. Encourage landscaped areas within lots to break up large expanses of paved area and enhance pedestrian access.

Policy 32 states... "Increase the visual character and quality of the streetscape and overall development by encouraging enhanced use of required perimeter walls."

- a. Discourage long expanses of uninterrupted wall surface and encourage walls to be indented, offset, or in a serpentine form to avoid a tunnel effect.

Policy 41 states..."Balance economic development and the quality of life for existing communities as well as for newly developed areas."

Policy 44 states..."Encourage small scale community commercial centers which foster a market place atmosphere; improve profit for small businesses; provide jobs; and circulate dollars within the area economy to enhance a community environment and meet retail, recreational and service needs of South Valley residents."

Policy 45 states..."Emphasize job creation and expansion of employment opportunities for the residents of the Southwest Area Plan."

Bernalillo County Zoning Ordinance

Resolution 116-86 defines criteria for evaluating a Zone Map changes and Special Use Permit applications.

The following policies for deciding zone map changes and Special Use Permit applications pursuant to the adopted Bernalillo County Zoning Ordinance.

- A. A proposed land use change must be found to be consistent with the health, safety and general welfare of the residents of the County.
- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan of other Master Plans and amendments thereto including privately developed area plans which have been adopted by the Board of County Commissioners.
- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
 - 1. An error in the original zone map.
 - 2. Changed neighborhood conditions, which justifies a change in land use or

3. That a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the Board of County Commissioners.
- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- H. A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- I. A zone change request, which would give a zone different from the surrounding zoning to a strip of land along a street, is generally called a "strip zoning." Such a change of zone may be approved only when:
1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

Section 18 Special Use Permit Regulations

- A. By Special Use Permit after receipt of a recommendation from the County Planning Commission, the Board of County Commissioners may authorize the location of uses in any one in which they are not permitted by other sections of this ordinance; the Extraterritorial Land Use Authority may likewise authorize the increase in height of buildings beyond the limits set fourth by sections of the zoning ordinance. With such permits, the Board of County Commissioners may impose limitations as it deems necessary:
1. To ensure that the degree of compatibility of property uses which this section is intended to promote and preserve shall be maintained with respect to the special use on the particular site and consideration of existing and potential uses of property within the zone and the general area in which the use is proposed to be located.

2. To ensure the proper performance standards and conditions are, whenever necessary, imposed upon uses which are, or which reasonably may be expected to become, obnoxious, dangerous, offensive or injurious to the health, safety, or welfare of the public, or a portion thereof, by reason of the emission of noise, smoke, dust, fumes, vibration, odor, or other harmful or annoying substances;
3. To preserve the utility, integrity and character of the zone in which the use will be located, without adversely affecting adjacent zones; and
4. To ensure that the use will not be or become detrimental to the public interest, health, safety, convenience, or the general welfare.
5. The County Planning Commission must review the Special Use Permit and progress of development from the date of approval and each year thereafter until completion of the plan, and if needed make a recommendation to the Board of County Commissioners to continue or revoke the Special Use Permit.

Such Special Use Permits may authorize the following uses:

Section 18, Special Use Permit Regulations, of the Zoning Ordinance allows a property owner to request, and the BCC to authorize uses in any zone in which they are not otherwise permitted. Contractor's yard, Contractor's equipment storage, and Contractor's plant are one of those categories specifically called out in Section 18 as a Special Use Permit. The Commission, in approving such a request shall adopt additional requirements deemed necessary "...to safeguard the public welfare, safety, and health, morals, convenience, and best interest of the neighborhood, and adjoining property, the neighborhood, and the community."

Resolution 116-86 states the criteria for evaluating a requested zone change or Special Use Permit. The applicant must demonstrate that the existing zoning is inappropriate because of 1) an error in the original zone map; 2) changed neighborhood conditions which justifies a change in land use; or 3) that a different use category is more advantageous to the community as articulated in a County adopted plan.

Section 19: Landscaping and Buffer Landscaping Regulations:

Where a nonresidential zone which is hereafter developed for a business purpose abuts a residentially zoned property, special buffer landscaping is required to minimize noise, lighting and sight impact of the nonresidential activities in the residential area.

- A. Landscaping and buffer landscaping will be required in all zones for office, commercial, industrial, and multifamily residential uses; R-1, A-1, A-2 and M-H residential uses are exempt.

1. Sites of one acre or less:

- a. There shall be a landscaped setback along all streets of no less than ten feet.
 - b. There shall be a landscaped buffer of six feet between single-family residential uses and office, commercial, industrial, and multifamily residential uses.
 - c. Fifteen percent of all paved areas shall be landscaped. The landscaped setback shall contribute toward this requirement.
2. Sites one acre and up to five acres. There shall be a landscaped setback along all streets of no less than 15 feet. All other requirements same as 1.b. and 1.c. above.
- B. In a nonresidential zone, a solid wall or a solid fence at least six feet high shall be erected on sides abutting a single family residential use, except for those sides abutting public right-of-way.
- E. Landscaping which dies shall be replaced by the property owner who is obligated to provide it as expeditiously as possible, but in no case longer than 30 days after notification. If the 30-day period falls at a time of the year when planting of landscaping is inadvisable, a waiver may be granted by the Zoning Administrator to allow planting at the earliest possible time. The waiver and date of the planting deadline shall be recorded by the County Zoning Office.
- G. Parking spaces within a parking lot shall be no more than 50 feet from a tree.
- H. Nonconforming Landscaping. Premises which, when they were developed, were not required to be developed in accordance with the Landscaping and Buffer Landscaping Regulations Section of this ordinance, shall be made to conform with this regulation within two years due to the amendment of the map or text of this ordinance.

ANALYSIS:
Surrounding Land Use and Zoning

Plans

Albuquerque/Bernalillo County Comprehensive Plan

This site is located in the Developing Urban Area as designated by the Albuquerque/Bernalillo County Comprehensive Plan.

Land use policy a states that the Developing Urban Areas shall allow a full range of urban land uses, resulting in an overall gross density of up to five dwelling units per acre. Further, Policy d establishes that the location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources and resources of other social, cultural, or recreational concern. The proposed use

appears to be of a character, which does not detract from the surrounding area nor impact the area with regard to the intensity of the use.

Comprehensive Plan policy I call for employment and service uses for this area to complement residential areas and be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments. Given these criteria, it appears that the proposed use does not produce additional noise, pollution, traffic or increased light pollution for the surrounding neighborhood.

Southwest Area Plan (SWAP)

SWAP Policy 44 promotes small scale community commercial centers which foster a market place atmosphere; improve profit for small businesses; provide jobs; and circulate dollars within the area economy to enhance a community environment and meet retail, recreational and service needs of South Valley residents. In addition, Policy 41 recommends a balance between economic development and the quality of life for existing communities as well as for newly developed areas.

Zoning Ordinance

Section 18, (Office/Commercial) Special Use Permit Regulations states that in certain situations based on unique conditions the owner may apply for any of the specific uses set forth in Sections 12, 13, 14 or 15 of this Ordinance. The special use for a specific use (office/commercial) may be granted if the owner/applicant proves by clear and convincing evidence that: (1) unique conditions exist that justify the request and (2) there is substantial support from neighborhood residents (or owners of property) within 200 feet of the site for the proposed special use.

Resolution 116-86 states the criteria for evaluating a requested zone change or Special Use Permit. The applicant must demonstrate that the existing zoning is inappropriate because of 1) an error in the original zone map; 2) changed neighborhood conditions which justifies a change in land use; or 3) that a different use category is more advantageous to the community as articulated in a County adopted plan.

Agency Comments

Analysis Summary

Zoning	
Resolution 116-86	Resolution 116-86 requires that a land use change must clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan. The Albuquerque/Bernalillo County Comprehensive Plan policy i calls for employment and service uses to be located so as to complement residential areas and be sited to minimize adverse effects of noise,

	lighting, pollution, and traffic on residential environments. The proposed use appears to be of minimal impact to the surrounding community.
Section 18.B. 32	The applicant has not submitted support for this request
Plans	
Comprehensive Plan	The request attempts to address the goals of the Comprehensive Plan of encouraging a small-scale, locally-owned and operated industry that complements residential areas.
Area Plan	Policy 41 of the Southwest Area Plan calls for balancing economic development and the quality of life for existing communities as well as for newly developed areas. Although this request represents a change of use the impact to the site appears to be rather low
Other Requirements	
Environmental Health	Applicant must show that water and wastewater systems meet current Ordinances.
Public Works	Public Works Division calls for the dedication of Ervien Lane to Bernalillo County: A Traffic Improvement Analysis (TIA) is also required.

Conclusion

Resolution 116-86 establishes policies regarding zone change and Special Use Permit requests. The Resolution states that the applicant must demonstrate that the existing zoning is inappropriate because of an error in the zone map, changed conditions in the neighborhood or community which justifies a change in land use or that a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the BCC.

Based on Resolution 116-86 it does appear that the proposed request meets the requirement of facilitating revitalization of the Comprehensive Plan and the Southwest Area Plan. This request may be interpreted as consistent with Resolution 116-86 in that this land use is more advantageous to the community in that it encourages a small-scale, locally-owned and operated business that appears to integrate with surrounding residential areas as stated in policy c of the Comprehensive Plan.

Given the appearance of the applicant's request it appears that this use can proceed as proposed given that a small scale vehicle sales does not infringe on the surrounding community. The proposed use does not generate significant additional traffic, noise or require employees to visit the site. However, Resolution 116-86 requires substantial neighborhood

support for this request, to date, staff has no received any petition substantiating neighborhood support.

RECOMMENDATION:
Deferral of CSU-60023

Enrico Gradi
Program Planner

BERNALILLO COUNTY DEPARTMENT COMMENTS

Environmental Health:

Zoning Department Manager:

Building Department Manager:

Fire:

Public Works:
DRAN:

DRE:

Parks & Recreation:

Sheriff's:

COMMENTS FROM OTHER AGENCIES

MRGCOG:

AMAFCA:

City Public Works:
Transp. Planning:

Transp. Development:

Water Resources:

City Transit:

ABCWUA Utility Development Section:

City Environmental Health:

City Open Space:

NM Department of Transportation:

Albuquerque Public School:

NEIGHBORHOOD ASSOCIATIONS:
South Valley Coalition of Neighborhoods

South Valley Alliance